

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENHOLLANDER, et al.)	
)	Lead Case No. 1:17-cv-00029-GJQ-
	Plaintiffs,	ESC and all consolidated member cases:
)	1:17-cv-00222-GJQ-ESC
v.)	1:17-cv-00244-GJQ-ESC
)	1:17-cv-00254-GJQ-ESC
MICHIGAN STATE UNIVERSITY, et al.,)	1:17-cv-00257-GJQ-ESC
)	1:17-cv-00288-GJQ-ESC
	Defendants.) 1:17-cv-00349-GJQ-ESC
)	1:17-cv-00676-GJQ-ESC
)	Hon. Gordon J. Quist

PRELIMINARY SCHEDULING ORDER

Pursuant to Fed. R. Civ. P. 16(b), and upon the agreement and stipulation of the undersigned parties, without any party waiving any claim or defense, the Court finds good cause to issue a preliminary scheduling order in these cases and all subsequently consolidated cases. Accordingly, the Court enters the following Order:

1. The stipulating parties have agreed to participate in a voluntary pre-litigation mediation process overseen by mediator Jon R. Muth. Any party may withdraw from the mediation at any time; however, this Order shall continue in effect according to its terms.
2. Pursuant to L.R. 16.2 and the agreement of the parties, the Court hereby appoints Mr. Muth as mediator in these cases.
3. As mediator, Mr. Muth will be authorized to:

- (a) Schedule meetings of some or all parties;
- (b) Compel attendance by principals with authority to settle;
- (c) Referee any disputes regarding information exchanged during the mediation process; and
- (d) Work with the parties to create the most expeditious and effective process for mediation.

4. The Plaintiffs as a group and the Defendants as a group will each pay 50% of the costs of mediation directly to the mediator. The parties on each side shall allocate their 50% share among themselves. If any party withdraws from the mediation before its conclusion, the remaining parties on that side shall reallocate any future costs of mediation among themselves.

5. Information which may be necessary or useful for the mediation process will be exchanged as agreed by the parties or as resolved through the mediator's efforts.

6. The parties have proposed and the Court has entered an agreed protective order governing the exchange of all communications and information during mediation. If the mediation does not succeed in a complete resolution of the cases, the parties will address to the Court the need for any additional protective orders governing litigation.

7. The exchange of information or documents during mediation will neither limit any party's ability to obtain discovery during litigation nor operate to waive any party's objections to discovery or the admissibility of documents or information.

8. The mediation process shall be completed within 90 days from the date of this Order, unless extended by the Court for good cause shown.

9. These cases shall be stayed for 90 days from the date of this Order.

10. Notwithstanding the stay, all new and amended complaints shall be filed within 14 days of this Order.

11. Should the mediation fail to achieve complete resolution of these cases then, upon the conclusion of the mediation, the Court will set a Rule 16 conference to address the scheduling of litigation activities.

SO STIPULATED:

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<u>/s/ Stephen R. Drew</u> Stephen R. Drew	<u>/s/ Scott Robert Eldridge</u> Scott Robert Eldridge
<i>Attorneys for Plaintiffs</i> Lead Case No. 1:17-cv-00029-GJQ-ESC	<i>Attorneys for Defendants Michigan State University and Michigan State University Board of Trustees</i> Lead Case No.: 1:17-cv-00029-GJQ-ESC Member Case Nos.: 1:17-cv-00222-GJQ-ESC 1:17-cv-00244-GJQ-ESC 1:17-cv-00254-GJQ-ESC 1:17-cv-00257-GJQ-ESC 1:17-cv-00288-GJQ-ESC 1:17-cv-00349-GJQ-ESC

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<p>Johnson Law, PLC 10683 S. Saginaw St., Ste. D Grand Blanc, MI 48439 (810) 695-6100</p> <p><u>/s/ Thomas W. Waun</u></p> <p>Thomas W. Waun (P34224) Attorney for Plaintiff Member Case No.: 1:17-cv-00676</p>	

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/s/ Steven C. Hurbis
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Attorney for Plaintiff
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APPROVED AS TO FORM:

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1:17-cv-00288-GJQ-ESC
1:17-cv-00349-GJQ-ESC

SO ORDERED on this 7th day of August, 2017

BY:

/s/ Gordon J. Quist

Judge